

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO.: 1:08-CR-14-TLS
)	
DAMIAN J. MILLER)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION

This matter is before the Court on the Findings and Recommendation of the United States Magistrate Judge [ECF No. 53] filed on June 8, 2011. The Defendant has waived objection to the Findings and Recommendation, and the Court, being duly advised, adopts the Findings and Recommendation [ECF No. 53] in its entirety and accepts the recommended disposition. Subject to this Court's consideration of the Plea Agreement pursuant to Fed. R. Crim. P. 11(c)(3), the plea of guilty to the offenses charged in Counts 1 and 2 of the Indictment are hereby accepted, and the Defendant is adjudged guilty of such offenses.

The Defendant shall appear for sentencing on Monday, September 12, 2011, at 2:00 PM before Judge Theresa L. Springmann. A telephone status conference is SET for Thursday, September 1, 2011, at 11:00 AM to address in potential sentencing issues. The Court will initiate the call. Any request for a sentence involving a departure under the United States Sentencing Guidelines, or for a variance above or below a Guidelines sentence pursuant to 18 U.S.C. § 3553(a), with the exception of matters raised pursuant to §5K1.1 of the Guidelines, shall be communicated to the probation officer and opposing counsel, in writing, within fourteen (14) days following initial disclosure of the presentence report. Any sentencing memorandum addressing these or any other issues, including requests for a departure based on § 5K1.1, shall be filed with the Court no later than seven (7) days prior to the sentencing hearing.

SO ORDERED on June 30, 2011.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT

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UNITED STATES OF AMERICA,)	
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v.)	CAUSE: 1:08-CR-14-TLS
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DAMIAN J. MILLER)	

**NOTICE OF SENTENCING
PRESENTENCE SCHEDULING NOTICE**

The Defendant named above in this matter is hereby scheduled for sentencing on September 12, 2011, at 2:00 PM Fort Wayne time before Judge Theresa L. Springmann. The attention of the parties is directed to the Presentence Scheduling Notice below.

This case is further set for a telephone status conference regarding sentencing issues set for September 1, 2011, at 11:00 AM Fort Wayne time before Judge Theresa L. Springmann. The Court will initiate the call.

Date of Referral to Probation Officer:

June 30, 2011
(Date of Plea or Verdict)

The Proposed Presentence Report Shall be Disclosed to Counsel no Later Than:

August 8, 2011
(35 Days Before Sentencing)

Counsel's Written Objections or Acknowledgment of No Objections to the Pre-Sentence Report Shall be Delivered to the Probation Officer and Opposing Counsel no Later Than **14 Days After Disclosure**.

The Presentence Report Shall be Submitted to the Court and Disclosed to Counsel no Later Than:

September 2, 2011
(10 Days Before Sentencing)

Judgment and Sentencing Date:

September 12, 2011
(At Least 70 Days After Plea or Verdict)